

**RULES OF THE OPELOUSAS
FIRE AND POLICE CIVIL SERVICE BOARD**

RULE I

MEETING OF THE BOARD:

SECTION 1: The board shall hold a regular meeting on the second Wednesday of every month, beginning at 4:00 p.m. Providing however that if the first day of the given month shall also be a Wednesday, then the Board will meet on the third Wednesday of said month. The Board shall hold such special meetings as may be called by the chairperson or as provided in Revised Statute 33:2471 and those that follow.

SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at the Opelousas City Hall, Council Chamber, at 350 North Court Street, Opelousas, Louisiana.

SECTION 3: Notice of regular meetings shall be given by posting such notice in the city hall or at the building in which the meeting is to be held, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting, provided that upon approval of two-thirds of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.

SECTION 4: Special meetings of the board will be held only upon call of the chairman, or in his absence the vice-chairman, or as provided by Revised Statute 33:2471, and those that follow.

SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided for in Revised Statute 42:4.1, and those statutes that follow.

SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special meetings may be held upon twenty-four hour notice, as provided by law.

SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board.

RULE II

SUBJECT MATTER OF MEETINGS:

SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.

SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called, except by agreement of two-thirds of the board members, other matters may be considered.

RULE III

ORDER OF BUSINESS:

SECTION 1: At regular meetings the order of business shall be as follows:

1. Reading of the minutes
2. Special and general reports
3. Decisions and orders on matters considered at previous hearings and meetings.
4. New business.

SECTION 2: At special meetings the order of business shall be as follows:

1. Reading of minutes
2. Decisions and orders on matters considered at previous hearings and meetings.
3. Hearing of matters previously fixed for the special meeting.

RULE IV

EXECUTIVE SESSIONS:

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by two-thirds vote of those present when considering those matters which may be discussed under provisions of Revised Statute 42:6.1, (relative to exceptions to open meetings). Any voting on matters discussed in executive sessions shall be conducted **only** upon return to public meeting.

RULE V

APPLICATION FOR APPEALS AND HEARINGS:

SECTION 1: Any person authorized to appeal to the board under the provisions of Civil Service Law may apply for such an appeal by a written notice giving a clear

and concise statement of the action complained against, the basis of the appeal, and the relief sought. Applicants with appeals must submit a completed "Action Request" form to the board for a hearing to be set. Applications for appeals to the board under the provisions of R.S. 33:2501 of Civil Service Law shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other requests for hearings shall set forth the section of Civil Service Law under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.

SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given.

SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

RULE VI

PROCEDURE ON APPEALS: (Revised Statute 33:2501)

SECTION 1: All hearings on appeals shall be open to the public.

SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges

discrimination based on political or religious beliefs, sex, or race.

SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts.

The appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses.

SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.

SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. Such application shall state the purpose of the subpoena and be accompanied by a subpoena service fee at the prevailing rate for each subpoena requested.

SECTION 7: The written rules, regulations, and procedures of the civil service board and Revised Statute 33:2471 and those that follow will be the basis of all hearings and appeals.

RULE VII

DISMISSAL OF APPEALS:

SECTION 1: If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

RULE VIII

TRANSCRIPTS OF HEARINGS:

SECTION 1: If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished, the first copy of the original of the transcript shall

be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board will issue a written finding of fact.

RULE IX

OTHER HEARINGS:

SECTION 1: All other hearings of the board shall be instituted and shall be conducted in accordance with the above and foregoing rules and Civil Service Law in general.

RULE X

APPLICATION FOR ADMISSION TO TEST:

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with R.S. 33:2492 of Civil Service Law. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given after existing list is twelve (12) months old and not yet expired and shall be given at least one time during each successive period of eighteen (18) months.

SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Law.

SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.

SECTION 4: Admission to tests shall be governed by provisions of R.S. 33:2493 of the Civil Service Act and the qualification requirements of the classification plan.

SECTION 5: When results of any examination are furnished to the

board by the State Examiner, the Chairperson shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

RULE XI

DISTRIBUTION OF BOARD RULES:

SECTION 1: A copy of the board rules shall be distributed to each board member, governing body one copy, Police Chief and Fire Chief one copy each, and police and fire station bulletin boards one copy each.

SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

RULE XII

LEAVES OF ABSENCE, HOLIDAYS, AND BOARD RULES:

SECTION 1: Leaves of Absence--Police and Fire

A. Leaves of absence are classified as follows:

1. Leave of absence with pay
2. Leave of absence without pay
3. Absence without leave and pay
4. Administrative leave - The appointing authority may grant administrative leave with pay for periods not to exceed thirty (30) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee. This period may not be extended beyond thirty (30) days without approval of the civil service board.

B. Sick leave:

1. When sick leave or disability extends beyond a twelve month period this employee shall be granted one (1) extra year of leave at 50% of his current salary. At the end of his second year of sick leave, he will have to make the decision of resigning or returning to work. Time granted shall be authorized from the employee with a medical certificate of disability. The Board reserves the right to have said employee examined by a

physician of its choice before leave is granted or during such leave. Any employee not returning to his position if directed by the Board shall be considered as resigning his position with the department.

A substitute appointment may be made to any position in the classified service from which the regular and permanent employee thereof is away on an authorized sick leave, or to a position from which the regular employee thereof is substituting for some other employee who is authorized to be away from his respective position. This substitute appointment can be only made for the time or period of sick leave, replacement shall be made from the employment or the promotional list as required by Act 102 of 1944, as amended by Act 197 of 1948. (R.S. 33:2471)

2. Sick leave may not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination.
3. When an employee of the classified service is ill and cannot report for duty, it is the employee's responsibility to notify the supervisor or the person designated by the chief of the department not later than one-half ($\frac{1}{2}$) hour prior to the start of the assigned duty period. Failure to call, as indicated above, will result in the forfeit of pay, as it is classified as "absence without leave and pay" and may result in disciplinary action.
4. Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position and light duty within her classification is not available. Maternity leave terminates when the employee regains the ability to perform all of the duties of her position or the ability to perform legal duty within her classification. An employee who utilizes maternity leave shall be presumed to be fully able to perform all duties of her classification six (6) weeks from date of

delivery. It shall be the obligation of the employee who seeks to establish an inability to perform all of the duties within her classification beyond six (6) weeks to furnish adequate medical reports from her treating physician to establish this fact. If the employee is unable to resume full duties after six (6) weeks, the report mentioned above shall state with specificity all work restrictions applicable to said employee sufficient to allow for a determination of whether said employee is capable of light duty within her classification. Nothing contained in this rule shall be construed to deprive an employee of maternity leave or other maternity benefits provided for by the family and medical leave act, including the right to the additional twelve (12) weeks of maternity leave without pay.

5. No cash payment may be made for accumulated sick leave. Should any illness last longer than one (1) shift or work period, the employee is required to submit a doctor's certificate indicating the illness or condition which justified the absence, as well as the probable duration of the illness. For failure to produce a doctor's certificate for any illness over three (3) days, the employee will be classified as "absent without leave and pay." Should any employee of the classified service abnormally and chronically absent themselves before or after their scheduled days off, or at any other time, the employee will be required to submit a doctor's certificate should the absence be for only one (1) calendar day.

C. Funeral Leave

1. Funeral leave in the event of an immediate family death shall be authorized without loss of pay or leave time not to exceed one (1) day, except in extenuating circumstances endorsed by the employee's chief.
2. An employee's immediate family is defined to consist of Mother, Father, Brother, Sister, Son, Daughter, Father-in-law, Mother-in-law, Father-in-law, Brother-in-law, Sister-in-law, Legal Guardian, Grandchildren,

Grandparents, Grandparents-in-law, Spouse, Son-in-law and Daughter in-law.

3. If an employee of the classified service has a death in their immediate family and cannot report for duty, it is the employee's responsibility to notify the supervisor or the person designated by the chief of the department immediately before he is scheduled to report to duty.

D. Examinations

Each employee of the classified service shall be granted "leave of absence with pay" to take any municipal fire and police civil service examination.

Provisional employees are granted "leave of absence with pay" to take a municipal fire and police civil service examination for the class which they hold provisionally.

E. Civil Leave

Absence because of jury duty is "leave of absence with pay." However, the jury notice must be presented to the chief of the department or to the person designated by the chief to receive such notice at least five (5) days in advance of such jury duty. An employee shall be authorized to take leave time when performing jury duty, or when subpoenaed to appear before a court, public body, or commission, on departmental business, or when performing emergency or civilian duty in connection with national defense. The city will pay the difference between pay earned for the special duty and the employee's regular pay from the city.

F. City, District Court or Civil Service Board Attendance

Attendance in city or district court **on departmental business** is with pay provided that the attendance is ordered by subpoena or other court order. Any monies received from such court attendance shall be deducted from employee's regular pay. Should any employee of the classified service be required to be in attendance in court **on departmental business**, on his/her off time, such time shall be compensated

at his/her normal rate of pay.

Each member of the classified service must present to the chief of the department or the person designated by him, any such notice to appear in court at least five (5) days in advance of such court attendance. Copy of such notice shall also be sent to the board.

Each departmental member of the civil service board shall be granted leave of absence with pay for the duration of any civil service board meeting which the employee representative attends, or for any time required to assist with civil service examinations, or other official business of the civil service board. However, the said officer shall give first and foremost priority to his firefighting or police duties to the end that the protection of the public interest is not diminished as a result of his board duties.

G. Military Leave with Pay

All officers and employees of the state, or of any parish, city, town, political subdivision, unit, or any state institution thereof, who are members of the Officers' Reserve Corps of the Army of the United States, the National Guard of the United States, the Naval Reserve Corps, the Marine Corps Reserve, the Air Force Reserve, the Citizens Military Training Corps, or the Civil Air Patrol, either as officers or enlisted men, are entitled to leave of absence from their respective duties, without loss of pay, time, annual leave, or efficiency rating, on all days during which they are ordered to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year; and when relieved from duty, they are restored to the positions held by them when ordered to duty.

H. Military Leave without Pay

Any regular and permanent member of the classified service called into the Armed Forces, will be carried on military leave without pay until the employee returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any regular and permanent member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which the employee may be entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section G. Should the employee have used all leave to which the employee is entitled (in Section G), then the employee shall be granted military leave without pay.

I. Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) days and no accumulated annual leave has been accrued. This leave is classified as "leave of absence without pay."

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay."

J. Annual Leave - Fire and Police

1. Each full time employee of the classified service after having served one year shall be entitled to an annual vacation of eighteen (18) calendar days with full pay. A Fireman shall not be charged vacation time for a calendar day during which he would not be scheduled to work. This vacation period shall be increased one day for each year of service over ten (10) years, up to a maximum vacation period of thirty (30) days all of which shall be with full pay. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause, nor may any cash payment be made in lieu of vacation.

2. Vacation leave (9 calendar days) may be taken after the first six (6) months of continuous employment. Eighteen (18) calendar days of vacation may be taken after one (1) year of continuous employment if

nine (9) calendar days were not taken after six (6) months service.

3. Each employee may divide vacation leave into two or more periods, the total of which shall not exceed the employee's total accrued vacation leave time. No cash payments may be made in lieu of a vacation.
4. All employee vacation schedules must be approved by the supervisor at least 24 hours before any vacation is to begin. Employees with the greatest departmental seniority will have priority on the scheduling; however, the appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in Revised Statute 33:2497.

K. Holidays

Each member of the classified service shall be granted "Leave of Absence with Pay" on the following legal holidays:

1. Christmas
2. New Year's Day
3. July 4
4. Labor Day
5. Thanksgiving Day
6. National Memorial Day
7. Mardi Gras Day
8. Martin Luther King Day
9. Good Friday
10. Friday after Thanksgiving.

Should a member of the classified service work assignment be such that the employee is scheduled to work on a legal holiday as set by this board, the employee will be paid an additional compensation of one (1) times the normal rate of pay. However, governing authorities, at their option, may grant employees time off from work for which such additional compensation would be due and payable to said employees.

L. Special Leave - Seniority

Special leave without pay up to thirty (30) days may be granted by the appointing authority when such leave would be in the departmental interest. Any special leave, with or without pay, exceeding thirty (30) days must first be

approved by the civil service board and if approval is granted the board will determine, at that time, if departmental seniority is to be interrupted or continued.

M. Expiration of Leave

Any employee who fails to report for duty upon the expiration of any authorized leave will be considered to have resigned from the departmental service on the calendar day following leave expiration.

O. Leave for Specialized Disaster Service Volunteer

1. Any employee who is a trained disaster volunteer of the American Red Cross may be granted leave from his regular work assignments, with pay, and without loss of seniority, annual leave, sick leave, or earned overtime or compensatory time accumulation, for any period not to exceed fifteen (15) work days in any twelve (12) month period, to participate in specialized disaster relief services for disasters designated at Level III or above in the American Red Cross Regulations and Procedures.
2. Leave may be granted upon written request of the employee to the appointing authority which shall include certification of the employee as a trained American Red Cross disaster volunteer, the nature and location of the disaster, anticipated duration of the leave, nature of services required, certification by an official of the American Red Cross that the employee's services are needed, and the identity and title of the official of the American Red Cross to whom the employee is to report.